
Human Services Committee

SSB 5190

Brief Description: Making technical corrections to community custody provisions.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala and Shin; by request of Statute Law Committee and Sentencing Guidelines Commission).

Brief Summary of Substitute Bill

- Makes changes to multiple statutory references regarding community custody throughout the Sentencing Reform Act and the chapter regarding indeterminate sentences.
- Allows the Department of Corrections (DOC) to recommend affirmative conduct or electronic monitoring for certain sex offenders pursuant to a risk assessment for community safety.
- Allows the Indeterminate Sentencing Review Board to impose conditions of supervision for certain sex offenders in addition to those ordered by the court and allows the offender to request an administrative hearing to determine whether the new conditions are appropriate.
- Allows the Sentencing Guidelines Commission to annually propose modifications to the community custody ranges for sentences for offenders who are sentenced to the custody of the DOC.
- Creates a new section in the "Special Allegations" subchapter in 9.94A RCW, codifying an existing provision for the special allegation that the accused is a criminal street gang member or associate.
- Repeals RCW 9.94A.545 regarding the terms of community custody for certain offenses.
- Repeals RCW 9.94A.715 regarding the terms of community custody for certain offenses.

Hearing Date: 3/11/09

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Linda Merelle (786-7092)

Background:

In 2008 the Legislature passed House Bill 2719 substantially reorganizing the community custody statutes and making technical changes to provisions of the Sentencing Reform Act. The Legislature further ordered that the Code Reviser report to the 2009 Legislature on any necessary amendments to implement House Bill 2719 as it was passed by the 2008 Legislature.

Summary of Bill:

In compliance with the directives of House Bill 2719, references in the following statutory provisions are changed to reflect recodified or repealed sections of the Sentencing Reform Act and provisions regarding indeterminate sentences and supervision for offenders who committed their offenses prior to July 1, 2000. The statutes affected are as follows:

RCW	RCW	RCW
2.240.040	9.94A.835	9.95.122
9.41.045	9.94A.850	9.95.140
9.94A.030	9.94B.030	9.95.425
9.94A.505	9.94B.060	9.95.900
9.94A.633	9.94B.070	9A.76.115
9.94A.6332	9.95.011	13.40.135
9.94A.670	9.95.017	72.09.335
9.94A.701	9.95.055	72.09.370
9.94A.703	9.95.070	72.09.714
9.94A.704	9.95.090	72.09.716
9.94A.731	9.95.110	72.09.718
9.94A.771	9.95.121	72.09.720
9.94A.602	9.94A.605	

The existing provision regarding the requirement that the courts impose community custody for the offense of possession of a firearm by an offender who is a criminal street gang member or associate is reorganized within the statutory scheme, and a new section regarding "Special Allegations" is created. This new section includes a special allegation provision for offenders who are alleged to be a criminal street gang member or associate.

The Department of Corrections (DOC) may impose electronic monitoring or affirmative conditions for certain sex offenders based upon a risk assessment performed by the DOC. For certain sex offenders, the Indeterminate Sentencing Review Board may impose conditions of supervision in addition to those ordered by the court. If such additional conditions are imposed, the offender may request an administrative hearing for a determination of whether the new conditions are reasonably related to: (1) the crime of conviction, (2) the offender's risk of reoffending, or (3) the safety of the community.

The Sentencing Guidelines Commission may annually propose modifications to the community custody ranges for offenders who are sentenced to the DOC. The RCWs 9.94A.545 and 9.945A.715, regarding community custody, have been repealed as a result of reorganization of some provisions of the Sentencing Reform Act.

Appropriation: None.

Fiscal Note: Requested on March 4, 2009.

Effective Date: The bill takes effect on August 1, 2009.